REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Amend claims 23, 29 and 30.
2. Add new dependent claims 31 – 33 to include various limitations previously resident in respective independent claims 23, 29, and 30.
3. Respectfully traverse all prior art rejections.

B. AMENDMENTS TO THE CLAIMS

Independent claims 23, 29 and 30 have been amended to include the feature that the quality parameter is selected from more than two values. This limitation was specified in original claims 2, 3 and on page 4, lines 27 and 28 of the original application documents.

Independent claims 23, 29 and 30 have also been amended to specify that measurement for each assessed frequency is adapted to the quality parameter value allocated to the respective frequency. This feature is disclosed, *inter alia,* on page 10, line 15 to page 11, line 33 of the application documents (see in particular page 10, lines 32 to 36 and page 11, lines 30 to 33).

Independent claim 29 has also been amended to moot the rejection under 35 USC §101, which rejection is respectfully traversed. The amendatory language for independent claim 29 is supported, e.g., by the first full paragraph of page 8 of the specification.

C. PATENTABILITY OF THE CLAIMS

Claims 3-5, 9, 23, 29 and 30 stand rejected under 35 USC 102(e) as being anticipated by U.S. Publication 2001/0039183 to Kobayashi et al. Claims 24-28 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Publication 2001/0039183 to Kobayashi et al Claims 10-15 and 18 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Publication 2001/0039183 to Kobayashi et al in view of U.S. Patent 6,052,605 to Meredith et al. Claims 2 and 16 under 35 USC 103(a) as being unpatentable over U.S. Publication 2001/0039183 to Kobayashi et al in view of U.S. Patent 6,466,793 to Wallstedt et al. Claim 6 stands rejected under 35 USC 103(a) as being unpatentable over U.S. Publication 2001/0039183 to Kobayashi et al in view of U.S. Patent 6,404,830 to Wiese et al. Claims 7-8 and 20 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Publication 2001/0039183 to Kobayashi et al in view of U.S. Publication 2002/0160769 to Gray et al. All prior art rejections are respectfully traversed for at least the following reasons.

As indicated above, independent claims 23, 29 and 30 have been amended to include the feature that the quality parameter is selected from more than two values. Applicants' selection of the quality parameter from more than two values further highlights the fact that the quality parameter is indicative of a probability that a specific frequency is occupied by a radar interference signal.

It is already acknowledged by the office action in relation to claim 2 that neither the Kobayashi reference nor the Wallstedt reference discloses a provision of three or more (e.g. of a continuous range of) quality parameters that may selectively be assigned to the assessed frequencies. The office action does baldly concludes that a third quality parameter would be obvious in Wallstedt. However, such conclusion is an impermissible leap. The existence of a digital (yes/no) parameter does not imply or suggest a parameter having yet another dimension (a "maybe" or "probability" value). The office action dicta

concerning alleged obvious of including different quality parameters to determine when to switch to another frequency band is hindsight gained only with benefit of Applicants' disclosure. Further, the applied prior art completely lacks any notion of the probability concept that can be realized by the provision of three or more quality parameter values.

Moreover, no applied prior art uses three or more values in the manner of Applicants' amended independent claims 23, 29 and 30. As stated previously, Applicants' independent claims 23, 29 and 30 have been amended to specify that measurement for each assessed frequency is adapted to the quality parameter value allocated to the respective frequency. No applied reference teaches or suggests performance of additional measurements for the plural frequencies, with the additional measurements being dependent upon the quality parameter value allocated to the respective frequency.

The prior art not only lacks any teaching relating to three or more quality parameter values, but likewise fails to disclose adapting further measurement in accordance with a previously assigned multi-value quality parameter.

D. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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